

PLAINTIFFS' EXHIBIT 2

Excerpts of Deposition
of Dr. Bliesner dated
9/19/2011

1 IN THE DISTRICT COURT OF OKLAHOMA COUNTY
2 STATE OF OKLAHOMA

3 CASE NO: CJ-2009-5292

4
5 SAM JOHNSON, as Personal Representative
6 Of the Estate of Martha Bea Johnson, deceased,

7 Plaintiff,

8 vs.

9 ACTAVIS TOTOWA, L.L.C., formerly known as
10 Amide Pharmaceuticals, Inc., MYLAN BERTEK
11 PHARMACEUTICALS, INC., UDL LABORATORIES, INC.,
12 WAL-MART, INC., McBRIDE CLINIC ORTHOPEDIC
13 HOSPITAL, INC.,

14 Defendants.

15 _____/

16 401 2nd Street East
17 Indian Rocks
18 Beach, FL 33785
19 September 19, 2011
20 9:15 a.m. to 5:15 p.m.

21 VIDEOTAPE DEPOSITION OF DAVID BLIESNER, Ph.D.

22 Taken on behalf of the Defendants before
23 PHILIP RYAN, RPR, Court Reporter, Notary Public in
24 and for the State of Florida at Large, pursuant to
25 Defendants' Notice of Taking Deposition in the
above cause.

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Larry Tambini, videographer

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Note: The following were not marked by this court reporter but are included below for ease of reference.

Plaintiff's Exhibit 253, Plaintiff's Exhibit 126, Plaintiff's Exhibit 16, Plaintiff's Exhibit 113, Plaintiff's Exhibit 91, Plaintiff's Exhibit 139 Defendants' Exhibit 92, Defendants' Exhibit 620, Defendants' Exhibit 487.

Documents referred to as M14 and M69.

1 THE VIDEOGRAPHER: My name is Larry
2 Tambini of Veritext. Today is September 19,
3 2011. The time is approximately 9:15 a.m.
4 This deposition is being held at the Holiday
5 Inn located at 401 Second Street East, Indian
6 Rocks Beach. The caption of the case is Sam
7 Johnson, personal rep. of the Estate of Martha
8 B. Johnson versus Actavis Totowa, et al., in
9 the District Court of Oklahoma County. The
10 name of the witness is David Bliesner, Ph.D.

11 At this time will the attorneys please
12 introduce themselves for the record.

13 MR. MILLER: Brad Miller for Plaintiff.

14 MR. ZUCKERMAN: Harold Zuckerman, local
15 counsel for all defendants.

16 MS. DONAHUE: Alicia Donahue, Shook,
17 Hardy & Bacon on behalf of the Mylan
18 defendants and UDL Labs.

19 MR. WAMELINK: Seth Wamelink of Tucker,
20 Ellis & West For the Actavis Defendants.

21 MR. ANDERTON: Michael Anderton from
22 Tucker, Ellis & West for the Actavis
23 Defendants.

24 THE VIDEOGRAPHER: And would the court
25 reporter please swear in the witness?

1
2 Thereupon:

3 DAVID BLIESNER, Ph.D.,
4 Was called as a witness and, having been first
5 duly sworn and responding "I do," was examined and
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. ANDERTON:

9 Q. Good morning, Dr. Bliesner.

10 A. Good morning, sir.

11 Q. How are you?

12 A. Okay.

13 Q. You remember me, I trust?

14 A. Yes, sir.

15 Q. Okay. As I just indicated, I am here on
16 behalf of the Actavis Defendants. And you've been
17 deposed at least twice before that I know of --
18 we're going to ask you whether you've been deposed
19 in any other circumstance other than those two --
20 so I know you've been through the process with me
21 and with other colleagues of mine at least in the
22 last eight or nine months. But I think it's
23 always good to kind of refresh and go over some of
24 the ground rules, if you will, before we start;
25 okay?

1 A. Yes, sir.

2 Q. All right. So, most importantly -- from
3 my perspective at least -- if you -- if I ask you
4 a question, Dr. Bliesner and for whatever reason
5 you think you'd like me to restate it or rephrase
6 it, if you don't understand my question, if it
7 comes off poorly -- and that will happen from time
8 to time -- or if there's any reason at all you'd
9 like me to ask it again, please let me know that.

10 If you answer -- if I ask a question and you
11 answer it, I will assume that you understood it;
12 okay?

13 A. Yes, sir.

14 Q. I need verbal answers. So -- I know
15 you're pretty good at that. I know last time I
16 examined you about six months ago, seven months
17 ago, there were a couple of times where -- where
18 you forgot and didn't give verbal answers, but
19 that's easy to fix.

20 So you need to remember to respond verbally
21 because the court reporter can't take down nods of
22 the head or shakes of the head; okay?

23 A. I understand.

24 Q. Will you state your name and spell it
25 for this record, please.

1 A. Sure. David M. Bliesner, D-A-V-I-D, M.
2 B-L-I-E-S-N-E-R.

3 Q. And as the videographer indicated, you
4 are a Ph.D.?

5 A. I am.

6 Q. So I will call you Dr. Bliesner if
7 that's okay.

8 A. That is okay.

9 Q. Where do you live, Dr. Bliesner?

10 A. I live in Indian Rocks Beach.

11 Q. Which is where we're here today;
12 correct?

13 A. It is.

14 Q. So this was a more convenient drive for
15 you.

16 A. Substantially.

17 Q. Well, good, good. We're glad to help
18 out a little bit.

19 What is your address in Indian Rocks Beach?

20 A. 1612 First Street, Indian Rocks Beach,
21 33785.

22 Q. Okay. How long have you lived there?

23 A. That's a good question because we've
24 moved in and out a couple of times. So somewhere
25 in the neighborhood of 10 years.

1 Q. In and out of Indian Rocks Beach you
2 mean or in --

3 A. Florida.

4 Q. -- that house?

5 A. Florida and the like.

6 Q. Do you have any other residences?

7 A. Can you explain to me what you mean by
8 "residences"?

9 Q. Do you own any other homes?

10 A. We do own property, yes.

11 Q. Okay. Where?

12 A. In Indian Rocks Beach.

13 Q. Okay. So you live in a home with -- I
14 presume with your family?

15 A. Yes.

16 Q. And then you own additional property
17 other than the home you reside in; is that
18 correct?

19 A. That is correct.

20 Q. Do you own any other property outside of
21 Indian Rocks Beach?

22 A. Yes, we do own property outside of
23 Indian Rocks Beach.

24 Q. Where else?

25 A. In Seminole, Florida.

1 Q. Other than Seminole, Florida, any other
2 property?

3 A. Yes --

4 Q. Where?

5 A. -- I do.

6 I own some property in Pennsylvania.

7 Q. And anywhere else?

8 A. And I own -- if we're defining property
9 to include -- homes or property?

10 Q. Both.

11 A. Real estate.

12 Q. Real estate.

13 A. I have a lot in Bellingham, Washington.

14 Q. How ironic. You've been hired as an
15 expert witness in this case. You're aware of
16 that; correct?

17 A. Yes, I have been hired as an expert
18 witness.

19 Q. Okay. And you were previously hired as
20 an expert witness by the Plaintiffs in what I will
21 refer to as the Digitek MDL, multidistrict
22 litigation; is that correct?

23 A. As I understand the MDL, yes.

24 Q. Well, okay. So when I say that, I mean
25 a collection of cases that were pending and still

1 are pending in federal court and that involve
2 product liability claims that relate to the
3 product Digitek. You were hired as an expert
4 witness by a group of Plaintiffs in that
5 litigation?

6 A. I was hired by the Miller law firm
7 originally, and then there were other attorneys
8 that became part of that.

9 Q. Okay. Well -- and you, in the context
10 of that retention as an expert first by the Miller
11 law firm in that other Digitek litigation, you
12 prepared an expert witness report; is that
13 correct?

14 A. I did prepare a report, yes.

15 Q. And, actually, you ended up preparing
16 two reports, one for federal cases and one for
17 cases pending in Pennsylvania, although they were
18 substantively identical; is that correct?

19 A. I don't understand your question.

20 Q. Do you remember that you prepared a
21 report that had a case caption for the federal
22 cases and then another report that was
23 substantively identical but that had a case
24 caption for cases pending in Pennsylvania?

25 A. I did not prepare two separate reports.

1 Q. You didn't. Okay. Well, so if
2 Plaintiffs changed the caption on one and
3 submitted the same report, were you aware of that?

4 A. I was aware that there was another one
5 that was generated because the pagination was
6 slightly different. But other than that, I don't
7 know of any specifics on what that was.

8 Q. Okay. From your perspective --

9 A. Yes.

10 Q. -- you prepared a single report,
11 provided it to the Plaintiff's lawyers in the
12 Digitek multidistrict litigation, and we spoke to
13 you about that in January and February of this
14 year; correct?

15 A. That was my understanding I had prepared
16 the single report, yes.

17 Q. Okay. Have you prepared any other
18 reports besides the one you prepared for the MDL?

19 A. And what is your definition of report in
20 this case?

21 Q. Well, I know that you prepared or at
22 least signed what I'll refer to as a supplemental
23 affidavit, and that that was part of the federal
24 multidistrict litigation. My question now is
25 intended to find out whether you prepared anything

1 other than that supplemental affidavit.

2 Have you prepared any written report that
3 relates to any Digitek litigation other than the
4 report you prepared in the MDL and that
5 supplemental affidavit?

6 A. I'm sorry. I don't know if I understand
7 what the supplemental affidavit is.

8 Q. Well, let's make this easier. (Handed)
9 This one isn't stapled very well, Dr. Bliesner.
10 So I apologize for that in advance.

11 All right. Dr. Bliesner, I have handed you
12 two documents. The larger document is marked as
13 Defendants' Exhibit 92. Do you see that?

14 A. Yes, sir.

15 Q. Okay. Take a look -- take a moment to
16 look at that and just see if you can tell me
17 whether you've seen that before and whether you
18 can identify it.

19 A. This appears to be the report that I did
20 prepare.

21 Q. Okay. So --

22 A. Without going back and doing a
23 one-for-one comparison as we did before because of
24 pagination.

25 Q. Understood. And I can tell you,

1 Dr. Bliesner, with respect to documents, there's
2 no intent on my part or anyone's part to do
3 anything other than put in front of you those
4 which we've received and you've prepared. There's
5 always the possibility there's a copy glitch and
6 the page doesn't get copied accurately. And if
7 that turns out to be the case, we'll certainly
8 correct that.

9 A. Yes, sir.

10 Q. But having said that, and having looked
11 at what's marked as Defendants' Exhibit 92, that
12 is the report you prepared in the -- for the
13 Plaintiff's lawyer in the Digitek multidistrict
14 litigation; correct?

15 A. That it is, yes, sir.

16 Q. Okay. Now, the other document I've
17 handed you is marked as Defendants' Exhibit 620.
18 Take a moment to look at that, please.

19 A. Yes, sir.

20 Q. Okay. Have you seen that document
21 before?

22 A. I have.

23 Q. Okay. That's an affidavit that bears
24 your signature, correct?

25 A. Is that what's referred to as an

1 affidavit?

2 Q. Affidavit or declaration. Those terms
3 are used interchangeably. But, yes, I will refer
4 to that as an affidavit.

5 A. Yes, sir.

6 Q. And, again, it bears your signature?

7 A. It does, sir.

8 Q. Okay. That is what I meant a moment ago
9 when I referred to a supplemental affidavit. You
10 prepared first this report?

11 A. Yes, sir.

12 Q. And then some months later you at least
13 signed the affidavit that is marked as Exhibit 620
14 and submitted it to the lawyers in the Digitek
15 MDL; correct?

16 A. Yes, sir.

17 Q. All right. Other than those two
18 documents that you have in front of you, have you
19 prepared any written report that relates in any
20 way to any Digitek litigation?

21 A. Not that I recall.

22 Q. You were retained, obviously, by
23 Plaintiff's counsel in this case; correct?

24 A. Yes, I was.

25 Q. Have you prepared a written report that

1 relates specifically to this case?

2 A. For Mr. Miller?

3 Q. Correct.

4 A. I have not prepared a report for
5 Mr. Miller.

6 Q. Okay. For anyone affiliated or
7 associated with Mr. Miller, have you prepared a
8 report?

9 A. Not that I recall, no.

10 Q. Have you prepared any written analysis
11 that relates to this case, Martha B. Johnson or
12 the Estate of Martha B. Johnson versus Actavis and
13 the other Defendants that you're aware of?

14 A. Not that I recall, no.

15 Q. So as we go through the day, if I refer
16 to this as the supplemental affidavit, will you
17 know that that's what I'm referring to?

18 A. Declaration equals supplemental
19 affidavit.

20 Q. Correct, yes. Would you be more
21 comfortable if I referred to it as the
22 supplemental declaration?

23 A. I would, sir.

24 Q. Let's do that.

25 A. Okay.

1 Q. So I'll refer to this then as the
2 supplemental declaration, and you'll know -- we'll
3 understand each other that that will mean I'm
4 talking about this document that has been marked
5 as Defendants' Exhibit 620; correct?

6 A. Yes, sir.

7 Q. Okay. Thank you.

8 You also were deposed twice or on two separate
9 sessions, first by Mr. Moriarty and then by me in
10 January and February of 2011; correct?

11 A. That is correct.

12 Q. You were up in Tampa about three weeks
13 apart?

14 A. If I recall, yes.

15 Q. Okay. Have you been deposed at any time
16 since February of 2011?

17 A. No.

18 Q. The report that is marked as Defendants'
19 Exhibit 92, does that contain and reflect your
20 opinions that you -- that you developed in the
21 Digitek MDL?

22 A. At that time, with the information that
23 was available, pointed to me in the documents
24 where I reviewed, yes.

25 Q. Okay. Do you stand by the opinions that

1 are in this report?

2 A. I stand by the opinions that are in that
3 report, in addition to some supplemental
4 information that I would add to it.

5 Q. Okay. But you don't -- well, have any
6 of the opinions that you expressed in this report
7 changed?

8 A. When you say "opinions," you're saying
9 specifically?

10 Q. Well, you understand that this report --
11 and Mr. Moriarty examined you in January about
12 this -- one of the purposes of this report is to
13 set forth your opinions --

14 A. Yes.

15 Q. -- about facts and circumstances in the
16 Digitek MDL, and you acknowledged when you were
17 deposed in January that this report in fact did
18 that. Have any of the opinions that you expressed
19 in this report changed?

20 A. The opinions and the conclusions drawn
21 have not. There's some specifics that have
22 changed in the report.

23 Q. Such as?

24 A. In particular, if you recall, if I may
25 look --

1 Q. Of course. You may always look -- at
2 any point during the day, as you -- as a reminder,
3 you may look at any document you feel you need to
4 look at in order to answer a question properly.

5 A. I will. Thank you.

6 As an example, on page 18 of this document,
7 number 49.

8 Q. Yeah.

9 A. As we discussed in the previous
10 deposition, if I'm not mistaken, that the
11 pharmacist -- we had not come or I had not come to
12 a firm conclusion that this was actually a
13 pharmacist.

14 Q. Okay.

15 A. Stuff like -- points like this there may
16 be within the document. So those types of
17 clarifications that come about since.

18 Q. Okay. So I think what we realized is
19 that perhaps your characterization of the
20 individual referenced in your paragraph 49 as a
21 pharmacist might be incorrect. It was in fact an
22 employee of a nursing home facility; correct?

23 A. I have no data to say one way or the
24 other. It's just that the question did come up.
25 If I knew for sure based on that e-mail that that

1 was a pharmacist, and at that point looking at the
2 e-mail, I could not say for sure it was a
3 pharmacist.

4 Q. Okay. What else in this report,
5 Dr. Bliesner, has changed since your last -- since
6 you were deposed on February 18, 2011, if
7 anything?

8 A. When you say "changed," again, I --

9 Q. Well, so we're back to my original
10 question.

11 A. Yeah.

12 Q. Your opinions are set forth --

13 A. Opinions.

14 Q. -- in this report.

15 A. Uh-huh.

16 Q. You've identified one thing that --

17 A. Uh-huh.

18 Q. -- you've changed or that has changed.

19 A. Has changed. Not did change, has
20 changed.

21 Q. Understood. Better information.

22 A. Uh-huh, better information.

23 Q. What else in this report has changed,
24 for whatever reason, since February of 2011?

25 A. I'd have to go through line by line and

1 take a look at it. Would you like me to do that?

2 Q. Well, do you know that there are things
3 that have changed?

4 A. Not with looking through it in detail.
5 I knew that that was an example explicitly.
6 That's how I can point that out.

7 Q. Have the opinions that you expressed in
8 this report regarding Actavis and its quality
9 systems and -- and the various -- well, have the
10 opinions that you've expressed in this report that
11 relate to Actavis changed?

12 A. I'm having a hard time understanding
13 what you mean by "opinions" globally.

14 Q. Well --

15 A. Conclusions?

16 Q. Okay. Let's do it that way.

17 Have any of the conclusions that you expressed
18 in this report changed?

19 A. If I could?

20 Q. Of course.

21 A. That conclusion, what the root cause,
22 has not changed.

23 Q. So that conclusion, you're referring to
24 what, Dr. Bliesner?

25 A. Number 8 on page 21.

1 Q. On page 21?

2 A. Yes, sir.

3 Q. Okay. So paragraph 8?

4 A. Yes.

5 Q. The conclusions reflected in paragraph 8
6 are unchanged?

7 A. That's correct.

8 Q. Are you -- can you identify any other
9 conclusions in this report that have changed?

10 A. I'm not trying to be difficult here. Is
11 that -- I'm still having a hard time understanding
12 what your -- what you mean by conclusions outside
13 of this global conclusion.

14 Q. Well, I mean, it's been seven months or
15 so since you were deposed. We last -- we last
16 deposed you in February of this year, February
17 18th. Do you remember that?

18 A. I believe it was the 18th, yes.

19 Q. When I deposed you on the 18th of
20 February, as I recall, you had at that time --
21 contact with Mr. Miller and his firm had just kind
22 of initiated within a few days prior to that. Is
23 that -- do you remember that?

24 A. I remember the conversation. I don't
25 remember specific days before or after.

1 Q. But you remember --

2 A. You asked me if I had been contacted by
3 anybody else.

4 Q. Okay.

5 A. And I mentioned Mr. Miller.

6 Q. And did I understand correctly that that
7 was the first time you'd been contacted by
8 Mr. Miller?

9 A. As I recall, yes.

10 Q. Okay. So contact with Mr. Miller with
11 respect to you possibly being engaged for this
12 litigation, this case --

13 A. The case --

14 Q. -- Johnson versus Actavis.

15 A. Uh-huh.

16 Q. The one we're here on today.

17 A. Yes.

18 Q. Contact with Mr. Miller initiated
19 sometime in the early to mid-February time frame;
20 is that accurate?

21 A. Somewhere in there, I would say, yes.

22 Q. And you --

23 A. I'd have to go back and look at the
24 e-mail specifically. But yes.

25 Q. Do you have e-mails?

1 A. As you do have copies, too.

2 Q. Well, we're going to get to that. It
3 looks like they're maybe not on here, but we'll --
4 we'll get to that when we get to it.

5 Is that how contact with Mr. Miller was
6 initiated, e-mail?

7 A. I don't recall whether it was e-mail or
8 phone call first.

9 Q. Did you -- did you contact him or did he
10 contact you?

11 A. He contacted me.

12 Q. Since you began speaking with and
13 working with Mr. Miller, have you changed any of
14 the conclusions or opinions that are reflected in
15 this report?

16 A. Conclusion as we read right there, no.

17 Q. No. Are you aware of anything else in
18 this report that has changed since you began
19 working with Mr. Miller?

20 A. I'd have to go through it piece by piece
21 and do an analysis of the discussions and
22 documents I've looked at with Mr. Miller in order
23 to answer that question completely.

24 Q. So you've spent time discussing
25 documents and discussing analyses with Mr. Miller;

1 is that right?

2 A. That is correct, yes.

3 Q. Okay. In your opinion, can we rely on
4 the conclusions and opinions in this report?

5 A. Yes, you can.

6 Q. Okay. The -- you were deposed two
7 times, two sessions?

8 A. Yes, with yourself and then --

9 Q. And Mr. Moriarty?

10 A. Yes.

11 Q. Have you read those deposition
12 transcripts?

13 A. Yes, I have.

14 Q. Both of them?

15 A. Yes, I have.

16 Q. And you had the opportunity to submit
17 what we call errata sheets with respect to both
18 depositions?

19 A. Yes, I did.

20 Q. And in that context, you had the
21 opportunity to note changes and corrections you'd
22 like to make in the testimony; right?

23 A. That is correct.

24 Q. And you took that opportunity and read
25 the depositions and submitted an errata sheet;

1 correct?

2 A. I did submit an errata sheet.

3 Q. I don't think there were any changes
4 necessarily, but -- or the errata sheets will show
5 what changes there were. But you had that
6 opportunity and you took it; correct?

7 A. That is correct.

8 Q. Can we rely on the testimony that you
9 gave in both of those depositions sessions?

10 A. I would say that you can rely on the
11 testimony, yes.

12 Q. Okay. Have you gone back as you
13 prepared for today's deposition and reviewed
14 either of those depositions transcripts?

15 A. In preparation for today's?

16 Q. Yes.

17 A. I have reviewed them, but I don't recall
18 if it was specifically for today's deposition.

19 Q. Well, when did you review them?

20 A. Well, at one point to generate the
21 errata sheets.

22 Q. Have you reviewed them other than in
23 that context?

24 A. I have.

25 Q. You have?

1 A. I have, yes, sir.

2 Q. Both of them?

3 A. Yes, I have.

4 Q. Okay. So when?

5 A. It was in the generation of this
6 document here.

7 Q. Okay.

8 A. The declaration.

9 Q. The supplemental declaration?

10 A. Yes, sir.

11 Q. So that would have been sometime since
12 the beginning of August?

13 A. May I?

14 Q. Absolutely.

15 A. I signed this on the 24th of August. So
16 it would be sometime prior to the 24th.

17 Q. Okay. And, again, you don't -- as
18 you -- so you reviewed them sometime in the last
19 month?

20 A. I would say that's fair, yes.

21 Q. Okay. Did you read them both start to
22 finish?

23 A. I did read them both start to finish.

24 Q. Okay. And so that we're clear, when I
25 say "both," I'm referring to both your deposition

1 transcripts, one from January 25, 2011, one from
2 February 18, 2011. You have reviewed both of them
3 start to finish in the last month or so?

4 A. Or so. I have reviewed both of them in
5 the last month or so.

6 Q. Okay. So -- but since probably the
7 beginning of August, is that -- can you
8 definitively say?

9 A. I can't say. It's in that time frame.

10 Q. Okay.

11 A. I've been on the road the whole time so
12 it's hard for me to keep track of events.

13 Q. Okay. And as you reviewed them, any
14 testimony that you, that you now want to change?

15 A. I don't understand what you mean by
16 "want to change."

17 Q. Well, is there any testimony that we
18 can't -- in them that we can't rely on?

19 A. I believe the testimony is reliable.

20 Q. Okay. So if we use that in this case,
21 it's -- we, the Defendants and the Plaintiff and
22 the Court and the jury can rely on that testimony?

23 A. Rely on that testimony as that's how I
24 understood things at that time that I made that.

25 Q. Okay. And you keep injecting that,

1 Dr. Bliesner. So I'm going to -- when you do
2 that --

3 A. Right.

4 Q. -- I'm going to follow up on things like
5 that.

6 A. Okay. That's fine.

7 Q. You qualified your response by saying
8 "as I understood things at that time".

9 A. Yes.

10 Q. Okay. So have things changed since that
11 time?

12 A. And, again, when you say "things
13 changed," that's a broad statement. I don't know
14 what that means.

15 Q. Well, have your -- have any of your
16 opinions or conclusions changed? I mean, you're
17 the one who is injecting "as I understood it at
18 that time."

19 A. There's a substantial amount of
20 additional information. Brad Miller had me review
21 a very large number of documents.

22 Q. Okay.

23 A. So there's additional supporting
24 information perhaps, you know, without going into
25 specifics, that would support or allow me to come

1 to those conclusions.

2 Q. Come to which conclusions?

3 A. That are listed in here, the
4 conclusions. It's an augmentation, if you will,
5 of this conclusion.

6 Q. Okay. So --

7 A. Doesn't modify the conclusion.

8 Q. All right. So if I understand
9 correctly, the conclusions reflected in your
10 report are the same. You've reviewed additional
11 information at Mr. Miller's direction and request
12 that you believe further supports those
13 conclusions; is that accurate?

14 A. I would say that the information I
15 reviewed from Mr. Miller further supports the
16 conclusions, yes.

17 Q. Okay. The conclusions, however, are the
18 same?

19 A. Yes, they are.

20 Q. And the opinions set forth in the report
21 are the same?

22 A. Yes, they are.

23 Q. So let's talk about what you reviewed at
24 Mr. Miller's direction and request; okay?

25 Did he send you additional documents?

1 we know that oversized, whatever we want to call
2 them, thick, thin, whatever, we know that
3 oversized Digoxin tablets made it all the way to
4 packaging, and then on the market. We know that.

5 Q. And then on the market?

6 A. Yes.

7 Q. Among the recalled batches?

8 A. It made it to the market.

9 Q. Among the recall batches?

10 A. I don't know specifically what the batch
11 numbers are on the recall batches. But we know
12 oversized Digoxin made it to the markets.

13 Q. We know one tablet in 2004 made it to
14 market; right?

15 A. And then there was the e-mail we were
16 talking about before, the pharmacist
17 mischaracterized it.

18 Q. The nursing home person?

19 A. Nursing, whatever that person is.

20 Q. And we spent time talking about that the
21 last time you were deposed about the reliability
22 of that report, and you acknowledged that that was
23 nothing more than a data point that would start,
24 in your view, an investigation into whether, in
25 fact, defective tablet -- that that tablet was, in

1 fact, defective. Do you remember that testimony?

2 A. I don't remember that specific wording
3 to the testimony. I don't remember that point.

4 Q. But -- but you gave testimony about that
5 the last time, and as we discussed earlier, we can
6 rely on and use that testimony going forward;
7 right?

8 A. I don't remember what I said explicitly.

9 Q. Okay. But I offered you the opportunity
10 to change your testimony and you didn't.

11 A. I'm not saying that I want to change
12 anything. I just want to -- can't say that I
13 remember exactly what I said back then.

14 Q. Whatever you said, you stand by;
15 correct?

16 A. I -- what I said during the deposition
17 was based on the knowledge and experience that I
18 had at the time.

19 Q. Have you reviewed anything since that
20 deposition that gives you further knowledge or
21 experience with respect to that particular
22 situation, the 2008 report from a nursing home
23 employee that there was potentially a defective
24 product, a defective tablet in the market?

25 A. Have I -- I'm sorry. Say that again.

1 that.

2 Q. Okay.

3 A. I did see some bits and pieces of
4 methods and stuff, but on the grand scheme of
5 things, no.

6 Q. Okay. Dr. Bliesner, if we can pick up
7 the document marked as Exhibit 620.

8 A. Yes.

9 Q. That is the supplemental declaration
10 that we talked about several hours ago now. Do
11 you remember --

12 A. That is correct.

13 Q. -- our initial conversation about that?

14 A. I do.

15 Q. Okay. That contains sworn testimony
16 that you've given in the MDL; right?

17 A. It does.

18 Q. Does that document also reflect opinions
19 that you intend to testify about in this case?

20 A. This document reflects opinions that
21 I've already expressed in the report.

22 Q. So it's your opinion that that document
23 doesn't enhance or supplement the opinions you've
24 expressed in your report in any way?

25 A. I haven't thought of it in those terms.

1 It was a response to the question that was put by
2 your -- I think it was your organization.

3 Q. I didn't have anything to do with
4 preparation of that declaration. You understand
5 that; right?

6 A. There was a -- I believe it's in the
7 folder. What's it called?

8 Q. It's a motion.

9 A. A motion, yes. And --

10 Q. Well, just tell me what you know about
11 that.

12 A. It was a response to the motion.

13 Q. Okay. How did that document come to be?

14 A. This document came to be?

15 Q. Yeah.

16 A. I received a telephone call from -- was
17 it either Mr. Kilpatrick or Mr. Kerensky --

18 Q. Okay.

19 A. -- saying that there was a -- motion,
20 did you call it?

21 Q. Correct.

22 A. Yes. To come out that needed to be
23 addressed.

24 Q. Okay.

25 A. Uh-huh.

1 Q. So how did we get from that telephone
2 call to that document?

3 A. They sent me the motion.

4 Q. And?

5 A. And had me read it and think about it
6 and then we had a teleconference.

7 Q. Okay.

8 A. And they said, how would you address
9 point, whatever point, whatever point, whatever.

10 Q. Okay. We still don't have a declaration
11 as you've described it. How did we get to
12 actually existing of a document?

13 A. That document was -- with my input, a
14 draft was created by either one of those two to
15 put it in proper legal format, because they
16 realized that I didn't know anything about doing a
17 motion. And it was sent back to me once or twice,
18 I think, and asked to review input, modify, review
19 the depositions to make sure that it matched my
20 input to fit this legal framework.

21 Q. Did you review that document carefully
22 before you signed it?

23 A. I thought at the time that I reviewed it
24 very carefully, but I noticed when I looked at it
25 the other day there's a typo or two.

1 employed by Actavis beginning in 2004?

2 A. I see that he was employed by Alpharma
3 in 2003, and which, if I'm not mistaken, became
4 Actavis in 2004.

5 Q. Became Actavis Elizabeth.

6 A. Right. Okay.

7 Q. Not Actavis Totowa. Where was he before
8 2003?

9 A. He was Sanofi-Synthelab.

10 Q. Any connection to Actavis that you've
11 aware of?

12 A. Not that I'm aware of.

13 Q. Before that, Warner Lambert. Any
14 connection to Actavis?

15 A. Not that I'm aware of.

16 Q. That goes back quite a ways. Abbott
17 Labs before that. Any connection to Actavis?

18 A. Not that I'm aware of.

19 Q. So your indication in your report that
20 doctor -- or that Mr. Bitler was employed
21 continuously and in charge of quality continuously
22 from 1995 until 2008, that's another error?

23 A. It's a typographical error, yes.

24 Q. It's not a typographical error. You
25 actually comment as part of the basis for your

1 conclusions about the continuity of people in
2 leadership positions, and in particular of
3 quality.

4 A. Uh-huh.

5 Q. So you don't -- it's not just a
6 typographical error in this section. You rely on
7 the notion that Mr. Bitler was there for that
8 extended period of time as part of the basis for
9 your conclusion that Actavis's leadership somehow
10 had something to do with their quality systems
11 being deficient?

12 MR. MILLER: Object to the form.

13 THE WITNESS: If I'm not mistaken, he was
14 QA director in 2004. And we had the
15 pharmacist complaint in June of 2004. So he
16 was in that position when we had a
17 double-thick as the pharmacist tablet in
18 there.

19 So I don't see anything fundamentally
20 inconsistent with it other than a
21 typographical error.

22 BY MR. ANDERTON:

23 Q. He had the complaint in 2004 of a tablet
24 manufactured in 2003. Do you still not see
25 anything fundamentally different, Dr. Bliesner?

1 A. No, I don't.

2 Q. And Plaintiff's Exhibit 113, which I'm
3 handing you, which is the basis for the bullet
4 point, the information in bullet point 17, have
5 you seen that document before?

6 A. I have.

7 Q. That document doesn't say anything about
8 blending defects, does it?

9 A. It does not.

10 Q. So when Plaintiff's counsel in the MDL
11 prepared this affidavit or this declaration for
12 you --

13 A. They didn't prepare it for me. We
14 worked on it together.

15 Q. Oh, so you're validating it?

16 A. No. It was a teleconference with my
17 input, as I said earlier in my deposition.

18 Q. Did you tell them to include blending
19 defects in that bullet point?

20 A. Not that I recall.

21 Q. But you signed it with that language in
22 there?

23 A. Yes, I did.

24 Q. So you didn't obviously compare that to
25 Plaintiff's Exhibit 113 before you did that, or

1 general, a document like this would have a second-
2 and a third-party review for content. All right?
3 Just like anything else around here, including
4 this report. And they don't, the way the system
5 is set up this legally.

6 So that comparison is totally inaccurate. You
7 can't do -- because there's errors in the written
8 document after a review of various other documents
9 that are all thrown together and handed out in
10 piecemeal fashion and say that's because you've --
11 somebody has got poor analytical skills. That's
12 just a total stretch, and I won't stand for that.

13 Q. It's kind of the same analysis you're
14 making to come to your overall conclusion.

15 A. Absolutely nothing whatsoever to do like
16 that. That's a mischaracterization.

17 Q. These are data points, Dr. Bliesner.
18 Each of these errors is a data point. At what
19 point do the conclusions in your report crumble
20 for the inaccurate data points?

21 A. Each of these data points has nothing to
22 do with the accuracy and the overall conclusion of
23 the report. There's a lack of compliance across
24 the board from the beginning. Products made it to
25 the market, and there's been a continuous lack and

1 failure of quality systems for many, many years.
2 The fact that I have individual errors within a
3 report or a declaration doesn't change those facts
4 at all. Not at all.

5 Q. How can we or the Court know that, how
6 can we rely on your conclusions when you're -- you
7 obviously don't pay attention to detail enough to
8 get these things accurate?

9 MR. MILLER: Object to the form.

10 THE WITNESS: I don't think that there's
11 any correlation between errors in a report and
12 the overall conclusion in the end.

13 MR. ANDERTON: The --

14 THE WITNESS: The major --

15 MR. ANDERTON: I'm sorry, Dr. Bliesner.
16 I didn't mean to talk over you.

17 THE WITNESS: The major facts here are
18 that there was a total failure of the quality
19 system. I don't think anybody can argue that
20 data. And in the end, product that was out of
21 specification, thick, thin or whatever, has
22 made it to the market from very early on,
23 probably as early as 2000 or something, all
24 the way up to the last batch that was made and
25 shipped out. I don't think you can argue with

1 that with the data.

2 So to characterize errors within a single
3 document that was done substantially after the
4 original document was made that actually in
5 the grand scheme of things, if you look at it,
6 has very few, is a total mischaracterization.
7 You can't make that extrapolation, in my
8 opinion.

9 BY MR. ANDERTON:

10 Q. Says nothing about your attention to
11 detail and reliability of your overall conclusion?

12 MR. MILLER: Object to the form.

13 THE WITNESS: No. And I don't appreciate
14 you characterizing me as having a lack of
15 detail, or attention to detail.

16 BY MR. ANDERTON:

17 Q. I'm just pointing out 8 or 10 what I can
18 only conclude are mischaracterizations in this
19 affidavit, in this declaration, that you signed
20 providing sworn testimony that I now have to deal
21 with as potentially -- because you might try to
22 give this testimony in this case.

23 Do you understand I have to address these?

24 A. I'm not saying that --

25 MR. MILLER: Object to the form. There

1 is -- this is not a legitimate question. I
2 don't even understand why you're asking him
3 that question. We all know the document
4 you're holding came from the MDL.

5 And obviously you have the right to
6 cross-examine him about the document to
7 impeach him. I'm not saying that you don't,
8 not my point. But now you're talking about
9 whether or not you have to deal with them.
10 What's that got to do with this? I'm asking
11 you to -- just impeach him, go ahead. You've
12 been doing it. But now you're arguing.

13 BY MR. ANDERTON:

14 Q. Dr. Bliesner, what is your rate of
15 compensation in this litigation?

16 A. On an hourly basis?

17 Q. Yes, sir.

18 MR. MILLER: I assume you mean mine?

19 MR. ANDERTON: I do indeed. I mean the
20 Johnson versus Actavis case that we're here on
21 today.

22 BY MR. ANDERTON:

23 Q. What is your rate of compensation?

24 A. It's the same compensation that was for
25 MDL.

1 A. Absolutely.

2 Q. Do you know who Dr. Lakissa is?

3 A. I don't remember ever seeing or hearing
4 that name.

5 Q. Okay. Do you remember testifying last
6 time about an FDA statement on their website
7 indicating that they didn't think it was likely
8 that very many, if any, tablets, any Digitek
9 tablets, that were defective or double-thick got
10 released to market?

11 MR. MILLER: Object to the form.

12 THE WITNESS: Which last time are we
13 talking about?

14 BY MR. ANDERTON:

15 Q. The last -- well, the time Mr. Moriarty
16 conducted the examination.

17 A. So that would be the first deposition.

18 Q. Correct. January 25th. Do you remember
19 giving that testimony?

20 MR. MILLER: Object to the form.

21 THE WITNESS: What was the question
22 again? I'm sorry.

23 BY MR. ANDERTON:

24 Q. Do you remember giving testimony on
25 January 25, 2011, about a statement on the FDA

1 website indicating that -- well, I'll read it to
2 you.

3 "In our best judgment, given the very small
4 number of defective tablets that may have reached
5 the market and the lack of reported adverse events
6 before the recall, harm to patients was very
7 unlikely."

8 Do you remember Mr. Moriarty examining you
9 about that FDA statement on January 25?

10 A. I'd have to look at the depo. I
11 remember there was a discussion about it, but I
12 don't know if it was the 25th or it was the other
13 one.

14 Q. Do you remember enough to know that your
15 response to Mr. Moriarty was that you believed
16 this was a political -- politically-motivated
17 statement?

18 A. Without going back and looking at the
19 deposition, I recall that there was some
20 discussion with respect to politics. Now, whether
21 it was motivated or not, I have no idea. But you
22 want me to look at my deposition and see what it
23 says, I'm happy to do.

24 Q. Here's the way I'm going to do this,
25 Dr. Bliesner. Have you done anything since that

1 MR. MILLER: Oh, come on. Object to the
2 form.

3 BY MR. ANDERTON:

4 Q. But we don't have any proof that it
5 happened otherwise, Dr. Bliesner.

6 MR. MILLER: Object to the form. I think
7 you got about two minutes left.

8 BY MR. ANDERTON:

9 Q. Dr. Bliesner, in your declaration, you
10 indicate on page -- you indicate on page 9, the
11 obvious chance that -- well, you don't like the
12 inspection protocol that Actavis used, and you
13 indicate, "After the recall, Actavis did not test,
14 examine, or do anything to determine the magnitude
15 of their manufacturing problem of
16 out-of-specification Digitek tablets. They simply
17 stored the recalled product in a warehouse and
18 kept on producing Digitek."

19 Did you sign that declaration with that
20 statement in it?

21 A. I did.

22 Q. They didn't make any other Digitek after
23 the recall, did they?

24 A. They did not. That was my understanding
25 that they continued to produce. It's an error.

1 Q. Another error?

2 A. Yeah. Kind of like the QA document that
3 had a misspelling in it a few minutes ago.

4 MS. DONAHUE: Objection, move to strike.

5 MR. ANDERTON: Dr. Bliesner, I have no
6 further questions. Thank you for your time.

7 THE WITNESS: You're welcome.

8 MR. MILLER: We'll read it.

9 THE VIDEOGRAPHER: It is 5:13. We are
10 going off the record. This concludes the
11 deposition.

12 MR. ANDERTON: So, Phil, we're going to
13 mark this as the next exhibit, it looks like
14 it's 499. You're going to take it with you.
15 You're going to make a copy of it, and you're
16 going to return the original to Dr. Bliesner.
17 Then you're going to distribute a copy to me,
18 and you'll contact Mr. Miller, and he'll tell
19 you whether he wants a copy.

20 MR. MILLER: Let me ask you this
21 question. Does that mean it will come back on
22 a CD?

23 MR. ANDERTON: Some sort of media. It
24 won't be a hard copy, it will be a drive or
25 something.

1 MR. MILLER: I'll take an electronic copy
2 just like you give Mr. Anderson.

3 (Whereupon, Defendants' Exhibit 499
4 was marked for identification)

5 (THEREUPON, the taking of the deposition was
 concluded at 5:15 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, the undersigned authority,
certify that DAVID BLIESNER, Ph.D., personally
appeared before me and was duly sworn by me.

WITNESS my hand and official seal,
this 22nd day of September, 2011.

PHILIP RYAN, RPR

NOTARY PUBLIC - STATE OF FLORIDA

COMMISSION # DD 988415

MY COMMISSION EXPIRES: JUNE 28, 2014

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA

3 COUNTY OF HILLSBOROUGH

4 I, PHILIP RYAN, RPR, certify that I
5 was authorized to and did stenographically report
6 the foregoing deposition; and that the foregoing
7 transcript is a true record of the testimony given
8 by the witness.

9 I further certify that I am not a
10 relative, employee, attorney, or counsel of any of
11 the parties, nor am I a relative or employee of
12 any of the parties' attorneys or counsel connected
13 with the action, nor am I financially interested
14 in the action.

15
16 DATED this 22nd day of September,
17 2011.

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PHILIP RYAN, RPR

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT NO. 40610

CASE NAME: Digitek Products Liability Litigation

DATE OF DEPOSITION: September 19, 2011

WITNESS' NAME: David Bliesner, Ph.D.

In accordance with the Rules of Civil Procedure,
I have read the entire transcript of my testimony or it
has been read to me.

I have made no changes to the testimony as
transcribed by the court reporter.

Date

David Bliesner, Ph.D.

Sworn to and subscribed before me, a Notary Public in
and for the State and County, the referenced witness did
personally appear and acknowledge that:

They have read the transcript;
They signed the foregoing sworn Statement; and
Their execution of this Statement is of their free
act and deed.

I have affixed my name and official seal this _____
day of _____, 20____.

Notary Public

Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT NO. 40610

CASE NAME: Digitek Products Liability Litigation

DATE OF DEPOSITION: September 19, 2011

WITNESS' NAME: David Bliesner, Ph.D.

In accordance with the Rules of Civil Procedure,
I have read the entire transcript of my testimony or it
has been read to me.

I have listed my changes on the attached Errata
Sheet, listing page and line numbers as well as the reason(s)
for the change(s).

I request that these changes be entered as part of the
record of my testimony.

I have executed the Errata Sheet, as well as this
Certificate, and request and authorize that both be appended
to the transcript of my testimony and be incorporated therein.

Date

David Bliesner, Ph.D.

Sworn to and subscribed before me, a Notary Public in
and for the State and County, the referenced witness did
personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections in the
appended Errata Sheet

They signed the foregoing sworn Statement; and
Their execution of this Statement is of their free
act and deed.

I have affixed my name and official seal this _____
day of _____, 20____.

Notary Public

Commission Expiration Date

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ERRATA SHEET
RENNILLO DEPOSITION & DISCOVERY - A VERITEXT COMPANY

ASSIGNMENT NO. 40610
CASE NAME: Digitek Products Liability Litigation
DATE OF DEPOSITION: September 19, 2011
WITNESS' NAME: David Bliesner, Ph.D.

[illegible]

David Bliesner, Ph.D.

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
DAY OF _____, 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES

[& - 4.5]

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15818222 16221631 1831 annualize 15716 answer 711119 223 5315625 566 666 71922 789 83232816 8615 912681 9111 938 92 15521118 1315 1111 1537 15725 1658 166711256768 16711127325 19916 2212 215 2517 2599 2671211 answered 696 answering 761521 773 112213923 1655 answers 71118 3913 2157 anybody 233 6916 2319 222 anyone's 12 apart 1713 apologize 131 836 131621 1327 1923 19917 21913 apparent 7611 apparently 611 1121 appear 331 15817 28512 28615 appearances 21 appeared 2838 appears 1319 3125 1239 1972 27325 appended 2861117 appendices 261 2619	applied 1572 apply 5225 7322 appreciate 631 7618 81121 11913 1237 23113 approach 381 811 1781118 appropriate 89 9152321 7718 1619 127 1588112591 159117525 17627 17722 approved 193 approximately 53 april 179262 2237 aql 21825 2197 2191617 argue 622 2319 2325 arguing 23212 argument 961617 961822123 argumentative 5316 621 8618 2123 22119 arising 17715 23622 arose 11917 211 arrived 1217 article 611519 62691126319 6321 6865 821 articulately 23321 ascertain 186 aside 1582 asked 232 3215 3363531922 559 616196919 7815 8621 12615 1315 15212 18618 198	25115 25311 25715 2677 asking 112 6625 7131827126 8621118 162117135 15218 15612 1631612 1651 21223221 23711 aspect 13712 1582 aspects 2822 assay 25125 53861118 912 52923 5211118359 535618 578 712792822 81288 113615 1123 1159 1162 1922595 1962116 229 22821 assays 57116 19223 19519 assess 1369 1821 assessed 1572 assessing 15111 1623 16115 assessment 77 122 15192 1522 16225 1713116 1811991112 191722511 15171821512 1522255591 15515 16191925 16262163119 1611671162 16812131718 17111131518 17519 1761368 17816217921	assessments 16118 167 assign 17111 assigned 3719 16222 1796 assignment 17616 2852 2862 2872 assignments 17712 associated 167 382 385181152 16911218212 183782 assume 711 12517 23218 assuming 12716 1818 assumption 868 8716 assumptions 8712 assurance 218 257817222 258812125911 2591623615 atlantic 115 attached 11318 8623 23825 2272619 273 2716 2972867 attachment 22712 attachments 3 attention 1925 1125 237 231115 attorney 251522 1275 281 attorneys 21511 117 12119 2812 attribute 6221 11915711 attributes 2 audibly 17325 augmentation 3 august 7 271215 287 1922
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author 261 23 authoring 239 2 13 239 13 2 26 22 authority 283 6 authorize 286 11 authorized 28 5 available 17 23 1 16 8 12 18 7 256 18 19 2 22 275 21 avenue 2 8 average 51 23 56 7 averaged 9 11 57 22 averaging 96 avoid 89 13 22 23 89 23 25 8 1 1 93 12 3 aware 1 15 12 3 16 13 2 17 78 2 1 92 11 6 137 19 1 2 1 225 189 12 195 7 2 8 1 12 15 2 8 18 259 1 21 26 1 265 18 23 266 3	172 175 6 177 25 178 13 179 23 18 16 183 18 186 17 188 2 195 15 2 5 2 52 2 5 2 6 18 2 8 16 218 9 22 23 219 25 23 18 239 15 2 223 2 3 2 5 1 18 2 9 13 25 21 259 1 26 5 5 6 267 6 9 271 18 27 6 281 21 backing 92 5 backup 123 16 bacon 2 12 5 17 bad 72 25 bang 179 19 bantered 7 11 barely 1 13 barson 127 19 23 base 279 25 based 19 25 57 2 59 17 81 1 1 87 12 1 9 9 96 13 97 1 1 522 11 2 131 18 133 1 138 2 162 7 179 13 191 19 197 1 2 622 22 1 278 9 basing 237 2 basis 68 5 8 9 87 13 2 825 2 98 21 17 216 21 23 221 11 223 15 22 3 232 16 272 2 272 2 batch 36 1 11 58 1 72 8 73 5 11 7 22 83 21 8 9 88 21 22 8 13 11 1 8 15 19 22 9 7 1 9 12 19 1 1	139 1 15 17 19 1 6 16 16 17 17 1 18 2 1 12 3 161 1 183 13 17 2 2 19 12 17 2 25 218 1 25 19 5 23 2 265 15 2 265 25 batches 58 7 9 11 1 8 16 192 22 195 18 2 1 17 2 25 1 13 19 bates 6 13 89 7 2 9 bea 1 5 beach 1 15 5 6 8 1 8 19 2 9 1 12 21 9 23 bear 96 bears 1 23 15 6 began 2 12 18 2 6 19 beginning 27 12 28 7 6 16 1 3 19 1 86 133 1 18 2 2 7 12 8 226 226 1 1229 2 255 1 begins 192 17 2 23 27 21 behalf 1 21 5 17 6 16 66 1 12 1 19 1 83 behavior 1 17 belief 3 12 133 18 166 23 believe 22 18 28 19 3 12 33 6 36 1 2 6 1 77 3 8 1 92 8 1 1 16 11 9 116 22 128 11 13 7 13 17 15 15 176 2 185 6 187 19 189 8 193 17	19 1 199 19 238 22 2 53 2 82 25 7 273 2 believed 271 15 bell 99 3 bellingham 1 13 belongs 178 1 bertek 1 9 2 16 236 15 26 261 1 26 23 best 39 7 126 18 133 5 19 1 23 271 3 272 1 better 2 21 22 171 17 251 2 beyond 152 21 bialick 2 2 big 37 2 bill 169 1 bills 169 12 binder 5 6 11 13 22 18 5 172 22 17 7 8 2 1 19 2 15 binding 2 1 17 bit 8 18 39 8 53 13 5 1 92 5 15 5 183 18 bitler 2 17 2 5 18 2 6 16 2 723 2 82 2 97 21 6 21 17 213 23 bitler's 2 3 9 22 2 23 2 525 bits 183 11 18 3 21 258 blank 2 69 blanks 39 21 blend 2 1 15 2 3 2 322 blending 223 1 23 22 8 1 25 1 227 18
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cfr 2022023102 2032 chain 12017 chance 2801 chances 871 change 20192810 28165910011 1272013117023 1571801920 1581001259258 159100116225 1631517122 2303262726318 2655269222868 2875 changed 122187 1819022058018 2018019202313 21110182229 2013018910013 2916130121977 1971023725 changes 2521263 2651321213012 151121582 1691128572867 2869 changing 15112 1586 channel 10116 characteristic 527 characteristics 0023 characterization 1919 characterizations 1797 characterize 6623 662567210718 156182027 228212312 characterized 103191558 18823	characterizing 6620198723100 charge 18017018 2051920821 210150126201 chase 20722 check 17016019 2308239152006 2011226020 26125 checking 1198 chemical 15922 chemist 19291961 1962198221996 1991922820 chemistry 22820 choose 1266 chronic 7518022 circumstance 619 5220986012 10020 circumstances 181503230020 051608205215 561989159213 1032211917 1021015610 1621916625 1901319092738 2788 citation 9212 cite 2101622316 city 23 civil 28552865 cj 13 claim 555 claimed 637 claiming 7211 claims 1128201 clarification 3720 clarifications 1917 clarify 137210022 16020 class 2237	classify 22816 clear 2720757 9119956976 1352110322 1528157816020 1718196819915 215522123 237222676010 clearly 22720 22821 cleveland 28 client 68610839 152515317019 1501101313559 159816023 1751917715021 1808 client's 15317 clients 10002372 clinic 100 clock 2622026312 26312 coding 11021 colleagues 621 collect 3220918 collected 21820 collection 1025 3513 collective 5011017 color 11020 combination 17119 1791018011 come 19011011720 29253023010 8513107131268 1261013009 1371010618 1501716613 1821818319022 1851302219619 229102801 28121 comes 773217 662015713	comfortable 1621 16512 coming 393669 7032371220621 207620915 comment 009021 8020821219118 2082523513 comments 6117 commission 28310 2831528522 2862028725 commit 05112770 2775 committed 27712 common 9025 991910522 communication 030712105018 1231212712 company 726735 7050237518 1081702123097 1516152131569 1581275102781 2871 compare 550 22020 compared 2252 comparison 1323 215232296 compensation 2321502320 competitor 16515 compiled 20711 complaining 25313 complaint 830 156201575010 209150230521 208100220923 2501025221 27718022 complaints 839010 8023872315616 156170185719
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206120952518 253130102021 27618 complete 3912013 1812 2791 completed 2066 completely 2023 17315 18912 completing 16311 compliance 22923 complicated 699 component 7213 1071501617 15516 1617013 162150166313020 16913 17013017 17110 components 10712 1639 1718 compound 26623 comprehensive 36108021 10520 10521 conceivable 9568 968 conceivably 952 concern 13212 13322 concerns 13310 conclude 0720 51130153210 19115 23118 2787 concluded 2825 concludes 28110 conclusion 1912 2121023213 2016 3057 559 5715016222023 6023 722002733 8008116 82007 8718 95130010512 10513 1300 1352002020 10618 15121	209922910022 23012 23111 20808 conclusions 1820 2115017259012 2010025002916 301120090131617 53220236828 7115 130910622 209122919 2306 23723 2380 27925 conditions 13920 conduct 0722 5020 6612 7713017 15225 1768 178160222616 20221 20321 conducted 801 8021 16517 21117 2130 21723 2198 22015022267 22721 27016 27590137615 27813020 conducting 11125 11615 17525 17615 21817 2276 confer 2381001517 confidential 10219 16023 165137 confidentiality 10270110000 153180215001 15012 15615 1597 16017 16511 configuration 8510 confirm 651301720 2131023716 2516 2572 confirming 1122 19222 confirms 19518	conform 26017 confused 7811 2077 confusing 377 6122 confusion 20712 conjecture 27810 27920 connect 9713 10020 connected 28012 connection 19718 20018 20810010 20817 2218 consent 769 17621 17623 177701216 17721 consider 0820 65200236778018 11223 1537 16615 considerable 6612 considerably 2096 consideration 26620 considered 16522 considering 22816 consistent 5025025 176001951 constant 10068 constitute 372 constructed 25712 consultant 10820 consulting 807 10823 10971553 16025 17711 consumer 780 7911 consumers 7820 contact 2221 2310 2318 2059010 10826 28118 contacted 2327 2011 038 contain 1719 17011	contained 577 contains 10723 18015 contemplated 1510 content 0959 507 50160225021 182100111872 188006 2132 2292 contents 2266 context 119 2520 2623 103810310 10919021563 15820216316 1652 17622 1772 17718022173 26513 continue 7822 11111 11620 100001055 16622 21032361 continued 27917 28025 continues 1052 continuing 2265 27617 continuity 2091 continuous 22925 continuously 15112 20821021 contract 10811016 10819 contracted 1516 18219 contracting 10889 contractor 15013 contrast 507 control 70511110 1571801921586 15920107123 2519 controlled 1588 controls 1595 16225 16315 convenient 810
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conversation 22 2 55 25 7 1 119 7 119 1 126 21 18 17 18 13 19 22 191 19 2 3 16 235 9 25 1 conversations 133 18 13 13 172 23 173 16 17 13 18 6 19 7 convinced 278 5 cooper 2 18 copied 1 6 3 12 1 26 5 copies 2 13 3 3 16 2 2 13 11 122 19 copy 1 5 33 11 18 3 7 68 1 123 15 12 22 175 5 187 8 187 9 1 12 12 23 21 1 1 15 16 2 1 1 2 6 5 251 23 2 26 1 281 15 17 19 2 282 1 copyright 153 6 9 153 11 2 16 1 16 13 copyrighted 153 12 15 1 16 6 7 2 165 6 corner 6 13 89 8 218 8 correct 8 12 9 18 19 1 16 22 1 13 18 12 1 1 8 1 2 15 15 23 6 3 2 17 5 1 1 119 22 22 7 25 2 236 16 26 7 33 2 35 15 37 6 38 1 6 7 25 1 1 2 9 17 21 922 5 1 18 1 1 5 1 15 235 16	56 15 2 59 15 65 3 65 8 66 15 108 2 1 32 1 92 112 22 113 8 11 19 23 25 6 128 1 23 33 13 133 21 135 1 136 9 137 18 138 11 1 73 1 8 18 15 18 19 155 9 1 159 18 16 19 162 13 1 162 16 163 2 168 8 17 1 1 175 22 178 22 182 6 18 12 185 21 193 5 19 18 19 195 3 199 22 2 1 18 2 2 16 2 211 21 21 1 216 22 219 21 2 22 8 237 13 1 237 2 2238 7 239 3 2 12 38 9 2 55 2 62 1 2 9 16 251 1 26 23 261 15 26 267 3 27 18 273 15 275 3 277 1 279 1 corrections 25 21 278 21 286 17 corrective 276 6 277 17 2 278 1 278 25 279 2 2 correctly 23 6 3 9 32 2 236 19 1 1 622 69 22 1 1 52 1 6 133 8 161 25 177 1 179 1 183 25 22 17 226 9 227 19 275 2 277 2 2	correlation 1 6 23 1 correspond 1 1 correspondence 22 121 1 17 123 11 corresponding 121 1 cosmetic 2 1 counsel 5 15 15 23 123 12 188 12 189 2 196 7 213 1 22 13 22 1 235 6 28 1 12 count 62 country 73 12 county 1 5 9 283 28 3 285 12 286 15 couple 7 17 8 2 12 1 129 5 1 6 1 167 19 2 168 5 17 6 187 2 25 2 course 19 1 21 2 36 6 122 3 23 58 9 17 2 179 12 193 25 269 21 courses 1 1 17 court 1 22 12 5 9 2 7 21 11 28 22 6 2 69 12 75 1 88 132 25 1 1 22 165 2 172 13 18 175 5 189 6 19 2 222 6 23 5 259 19 267 9 285 7 cover 33 7 223 82 25 9 21 2 52 273 23 covered 19 9 cp180 85 2	create 52 17 7 2 166 9 created 186 1 creating 166 8 critical 52 22 178 25 179 2 259 7 criticism 213 3 6 cross 96 2 1 2 232 6 crumble 229 19 crux 217 5 6 cso 27 1 curiosity 69 6 curious 61 2 69 2 current 155 3 16 2 169 13 175 19 236 1 2 3 16 18 currently 167 15 customer 85 23 25 17 253 13 2 253 21 customers 253 12 cutoff 89 13 22 23 89 2 25 8 1 cv 1 122 2 723 d d 8 1 1 27 1 damage 255 16 256 2 7 1 damaged 92 25 93 7 93 9 dan 2 3 9 21 6 21 17 213 23 dangerous 1 37 daniel 2 723 darn 85 22 data 19 23 7 11 57 12 58 23 71 1 72 2 197 3 1 11 7 17 18 5 8 12 8 21 81 13 17 19 82 5 8 87 1 88 6 9 88 17 9 89 8
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[data - depositions]

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957119725 1511151716 11315 115192 1163921171 15519 172 183192223 21121625 21717221 2291718221 2322311 2383 2823 253222 2523 26615 267121522683 26812186919 date 1786 1922 219716221 2219222251 23369 2853122 28631322873 dated 7 2816 dates 891819 21816 21916 david 118 5163 81 2837 28511 2861138719 day 1615 192 2 1111271 133 15113 18625 1925 2722 28312816 28517 28621 28721 days 222225 11617 1252 252 dd 2831 deal 23122329 2621 dealing 26622 dealt 11911271 deceased 15 december 2111218 2281723228 decide 111	decision 152111 15215 decisions 265115 declaration 152 161822172 278 279 1612 189 1851861 18722 1895 191171719211 191119615 19712 269 23321115 2212 223616 2211 2279 22812 233 23119 231 262228919 decline 1671112 declining 16816 decrease 815 decreases 812 decree 769 17623 177121621 decrees 17621 1777 deed 28515 28619 deem 77182 defect 1357 13612 13618 13881 198172322 1991122222 2225 2322 defective 5825 591 592326223 6226716 686 6921 7168 736 8121 8215188 8728819 8911 97969591 1191113 11311 11523 11622 11712 1396 165 17216112 227 231822661 2682 279271	27215 defectively 1519 13215 13319 defects 23522311 22323 22819 2251 defendant 2115 defendant's 2 13812375 27211 2733 defendants 11121 12222 1616 16 51518223 616 1313 11117 1613 17518821 3119217219 17589 1891718 193251915 2515 2823 defendants's 191 defer 1825 deficiencies 7522 1621 22716 deficient 13918 2911 defining 181792 definitely 77 911 definition 1219 6516 97161782 162 definitive 2213 definitively 288 3615 218 872 12612925 1112 16821 23916 2581 degradation 816 815 degree 732 deligans 1181 1273 delphi 1812131 1581515 15	demonstrate 281 depend 16219 depends 16221 depo 37131517 2711 depos 37182 deposed 61718 17815817 26 2215161256 3538 5821 611 13222172 deposing 23818 deposition 1182 51912511 261318725 382 3861831922 1591626 621 671712 8218819 913 9112 9911 1111113 1618 11123 1199 129171923 13213316 1653 211122525 2153 2217 228123613 237811123813 23822 23912 22317 21122 255262273 2722931 2532651718 26213 263 2717 2711922 272113811 2825 28628513 28613 28713 depositions 2518 2525 26913211 1291132122 1323 1382 18619 2371 23818112239
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21617 21811 22517 2251718 22611122918 2313123236 23717 2392 212122592 2732 2731151225 27525 2761111 27617 2782 2812 documentation 3918 8123 11611 11613 1171 1586 1587 2183 2391 2789 documented 2712 2725 documents 1317 1312 111518 1723 22225 2921 325 31225 3211 33131719 3117 35161317 3519223681112 3623712 3817 113 2111121 2211122 123112511 1255212611 15722 161923 1751781798 17918222183 1892518112 211132178 22817 2298 2371223825 2395812511 258117225916 259126825 2695 dog 961 doing 1322 369 813 675 7712 852923 116 1121111821 1136 1222	125213311 13517 115 1517 1512 15219 1558 15612 1581619 16112316269 16211 16382 16723 168123 16825 16925 17121161922 1711 1721795 18616 1992 23212 2691 2775 domain 168 donahue 212 33 516110212 235222336915 213161922 21178 26817 26227125211 252612132513 25171926211 262182263711 2631322652 28111 door 1982 dosage 121 88 957 5111212 5217 dose 577 721 2811 double 825 5217 538 5512 567 577 721 8211 8316 911 9611 991212611 13215 1331119 2917 21221 21725 2239 22718 26 2112 281317 262226625 2792755 27911	doubt 116 dr 69 7869 139 1311 1125 212291 3123 3963575 625 6122 6311 6611 691713 71823737612 782 7923 86152 923 9216 968 985 123 1211 13511161521 18911711225 11715 1211 1236 1283 1338 1351 1362225 1216 15219 1525 1671666 17216 175317 1782 1861918 1928 19719623 23112716 2925 2122 21122121 2116221512 2169 2222211 22123 2221119 22516 22917 2315 23211 2318 23519 2361233 2711 2932527 2558 25911 26325 26512 27227125 277 2777 2859 2815 28116 draft 186119116 1912321971 23712111 2322355 25711 25912 drafted 196712 1972	draw 112793 drawing 8717 drawn 182 drill 17511 drilling 15221 drive 1811 12322212115 2812 driving 16216 drug 735 2111 drugs 113 due 2239 22716 2283 duly 65 2838 durbin 22 dye 9613 dyes 2773 e e 7 821925 22232226 2731315222 5815 66671919 68911172212 69223751617 72225712 1111 1391211 1217 1211229 1216 12516 1271121291 1919 19112 192222773 earlier 595 8225 1219 1311 13125 1572 16121761 21622171 2217 2361223 225 255 2821 2517 26921 early 2319 12525 2281232223 ease 12
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<p>easier 138</p> <p>easily 697 156 1193 18 21325</p> <p>east 155</p> <p>easy 719 122 1362219</p> <p>education 111213 1118</p> <p>effort 12519 12618</p> <p>eight 622 3125 9223 11916</p> <p>eir 21 2731516 27321</p> <p>eirs 2731719</p> <p>either 2617213 777 1158 1521 17618517 18612581215</p> <p>eldrich 218</p> <p>electronic 321 311232821</p> <p>electronically 331 371222</p> <p>elizabeth 211285</p> <p>ellis 275222</p> <p>employed 2516 261628122</p> <p>employee 1922 5923 272811 2811</p> <p>employees 23891 2381821</p> <p>employment 2619 2623 271</p> <p>emptied 2172</p> <p>enable 1811</p> <p>enabled 1321</p> <p>ended 1115 769 157</p> <p>engaged 2311</p> <p>engagement 152 1751971 15152515 15223 1553 162</p>	<p>engagements 1221</p> <p>enhance 1823</p> <p>enhanced 1365</p> <p>enhancements 2711222 27527611 2771722</p> <p>enhances 13825</p> <p>ensure 251</p> <p>entered 2869</p> <p>entire 21121725 21812722916 292252855 2865</p> <p>entirety 255</p> <p>entities 156 26225</p> <p>entitled 135111 138165152 16616</p> <p>entity 188</p> <p>entries 21918 2516</p> <p>entry 21192 19121821</p> <p>envelope 5116 1816</p> <p>environment 7 15122825</p> <p>equals 1618</p> <p>equipment 98815 255172</p> <p>erin 271</p> <p>errata 25172262 2622867117 2871</p> <p>error 1117 19525 212282223 28229621 211612212 2251237 28816127918 2825 2811</p> <p>errors 2211 228111829718 232212312</p>	<p>esquire 226612 218</p> <p>essentially 991 13716 2685</p> <p>establishment 27315</p> <p>estate 1557111 1121612</p> <p>estimation 96 1215 16318 1752</p> <p>et 58</p> <p>euclid 28</p> <p>evaluate 137 161131531515 16517</p> <p>evaluation 1617 1618</p> <p>evasive 393 15316</p> <p>evening 1259</p> <p>event 15619 1571 1811218821 18211831 2721 2173813 21716</p> <p>events 2812 18211 18251317839 2812 2715 27216</p> <p>everybody 721</p> <p>everybody's 7513 7517</p> <p>everything's 1191</p> <p>evidence 2171 2812</p> <p>evident 3712 1782</p> <p>evolved 1519</p> <p>exact 536</p> <p>exactly 5913 767 1221 1292 21515 2351</p> <p>examination 32 67 77118368 2812558</p>	<p>26512716</p> <p>examine 962 2326 2721 2811</p> <p>examined 65716 1811</p> <p>examining 2718</p> <p>example 196 215 3725 39232 1751192 12922 159812 1613 23917</p> <p>exceed 25515</p> <p>excerpted 261</p> <p>excess 15113</p> <p>exchange 123</p> <p>exchanges 13121</p> <p>exclude 691 1211</p> <p>excuse 12321632 1732251 2122765</p> <p>executed 2861</p> <p>execution 2851 28618</p> <p>exercise 1623 1922 1661</p> <p>exhibit 12111 11115151616 16 1313 11117 1513 17519812 3217 35232 318 861517 8213 831 8825 8913 121212 1521 1771121 1188 12818 13811721319 17917589 1783 18719159 1937 1938 1921 1952 19712515 2181222 2312523 263 26827817 2121 2112</p>
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86 6 88 2 89 12 9 7 135 3 9 16 95 17 186 22 97 2 97 13 1 1 111 115 23 116 23 117 12 139 7 12 52 1 62 2 1 73 151 18 157 5 13 161 11 211 12 18 22 8 16 23 22 1 222 8 229 25 23 22 265 16 27 1 271 5 272 15 273 9 marketing 85 9 11 86 1 287 15 2 markets 58 12 marking 25 marks 1 8 17 mart 1 85 21 268 21 236 9 3 mart's 269 1 martha 15 5 7 16 1 12 massachusetts 71 19 matched 186 19 material 1 323 1 7 1 5 12 18 12 21 2 25 153 12 16 6 183 7 materials 1 12 12 12 169 1 12 237 1 math 52 25 55 16 95 1 mathematical 81 15 matter 69 23 7 21 2 2 15 mcbride 1 1 mccaffrey 27 1 3 md 89 2 mdl 1 2 1 23 2 18 13 15 15 17 21	18 16 61 2 88 13 136 18 138 9 18 16 188 13 17 188 23 19 2 12 196 13 197 3 2 6 2 32 2 19 19 2 25 2 525 213 15 22 13 22 1 232 25 235 6 236 1 16 237 1 1 2 238 6 22 239 1 2 3 19 22 258 22 mean 9 2 7 1 2 17 3 21 13 22 12 1 28 15 29 16 3 13 39 12 56 57 18 2 66 17 68 18 2 69 1 7 23 85 5 93 2 95 5 99 23 1 2 3 1 33 1 1 1 72 11 16 18 11 11 11 5 115 18 121 2 123 23 128 1 13 23 135 1 52 16 3 163 13 165 177 1 179 1 198 25 2 38 2 7 221 16 23 16 232 18 1 25 18 252 2 265 22 273 19 275 15 276 23 277 5 281 21 meaning 56 11 159 16 193 1 198 18 means 29 1 56 1 95 22 97 23 113 9 123 2 16 1 193 3 2 2 1 meant 15 8 8 17	measurement 26 measuring 98 5 1 media 281 23 meet 129 3 meetings 131 18 133 9 17 2 3 12 meets 176 7 melinda 88 2 member 1 82 162 15 members 169 1 memorandum 88 23 memory 39 5 12 82 2 5 19 mention 82 1 193 19 mentioned 23 5 1 6 17 216 2 217 1 259 11 mentions 71 9 merely 136 21 mess 221 1 messed 139 23 199 16 221 9 met 117 16 2 25 118 3 1 13 3 11 13 15 18 2 172 5 173 2 236 13 method 22 5 3 17 1 13 25 5 17 65 72 1 72 8 75 5 52 1 53 6 5 2 21 55 1 7 19 75 1 158 1 159 23 16 2 5 7 7 15 methodology 1 16 16 178 1 17 methods 52 2 159 12 15 16 17 21 162 25 163 17 18	mic 52 michael 2 6 5 21 77 16 microgram 89 18 micrograph 251 5 mid 23 19 1 15 1 79 middle 1 1 27 2 mike 238 1 miller 2 2 5 13 13 11 6 1 16 2 5 7 22 21 23 5 8 1 18 2 5 13 19 22 25 29 2 3 15 31 1 32 9 33 13 3 17 35 13 37 1 37 15 22 1 38 19 53 15 6 21 62 25 63 3 1 1 26 12 12 69 25 71 11 73 16 75 1 7 25 76 15 23 76 25 77 3 15 19 25 78 12 83 22 8 13 8 12 86 17 87 15 87 25 9 18 95 2 96 1 1 98 18 1 5 7 1 8 12 1 1 21 1 122 2 1 82 1 113 13 116 12 117 5 16 25 18 17 12 13 25 23 17 12 2 22 25 1 126 13 127 9 13 128 2 25 29 3 13 13 2 13 18 132 2 1 19 33 9 133 23 13 13 137 1 2 1 18 1 2 17 1 3 18 152 7 15 15 16 9 165 19 172 5 2 173 16 2 17 13 175 11 178 13 187 5 22 96 8 1
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